

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. CV 24-6317-DMG (PDx) Date October 29, 2024

Title Orange Kangaroo LLC v. Jose R. Solano, et al. Page 1 of 1

Present: The Honorable DOLLY M. GEE, CHIEF UNITED STATES DISTRICT JUDGE

DEREK DAVIS

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)

None Present

Attorneys Present for Defendant(s)

None Present

Proceedings: IN CHAMBERS—ORDER RE PLAINTIFF'S MOTION TO REMAND [11]

On May 16, 2024, Plaintiff Orange Kangaroo LLC filed an unlawful detainer action in the Los Angeles County Superior Court. Notice of Removal (“NOR”), Ex. 1 (“Compl.”) [Doc. # 1]. Plaintiff’s Complaint seeks judgment against Defendants Jose R. Solano and Soledad M. Solano for possession of certain real property located in Los Angeles, California (the “Property”). Compl. ¶ 5. The Complaint alleges a single cause of action for unlawful detainer and seeks possession of the Property as well as daily rental value damages for the period of May 16, 2024 through the date of entry of judgment. *Id.* at 26.

On July 26, 2024, Defendant Jose R. Solano removed the case to this Court, asserting federal question jurisdiction pursuant to 28 U.S.C. § 1331. Defendant asserts that “the underlying issues in this case extend far beyond a simple eviction” and that this case “involves substantial federal questions, including allegations of civil rights violations and fraud.” NOR at 4, 9. Other than repeating these conclusory statements, however, Solano provides no additional information about the federal laws that are purportedly implicated in Plaintiff’s Complaint. To the extent that Solano expects to rely on federal law in his defense of this action, that is an improper basis for removal. It is axiomatic that federal jurisdiction cannot rest upon an actual or anticipated defense. *See Vaden v. Discover Bank*, 556 U.S. 49, 129 S. Ct. 1262, 1272, 173 L. Ed. 2d 206 (2009).

Plaintiff’s motion to remand is **GRANTED**, and Solano’s motion to strike Plaintiff’s motion is **DENIED**. Solano’s request for judicial notice is **DENIED as moot** because the Court did not rely on that document in reaching its decision. This action is hereby **REMANDED** to the Los Angeles County Superior Court.

IT IS SO ORDERED.